

EXPRESS MAIL NO. EM 407746977 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Stephen Hardy, et al.
U.S. Application No. 10/587,032
Int'l Application No. PCT/US03/18666
IA Date Filed: 06/13/2003
Group Art Unit: To be assigned
Examiner: To be assigned
For: VECTORS FOR EXPRESSION OF HML-2 POLYPEPTIDES

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:


This submission is in response to the Notification of Defective Response mailed November 9, 2009. The Notification states that the declaration filed April 16, 2009 does not comply with 37 CFR 1.497(a) and (b) because the "page numbering is not consecutive (ie 1/3, 2/3, 3/3)."

The applicant did not provide page 3 of the declaration because it is blank. In order to comply with the requirement stated in the Notification, we enclose a copy of the declaration with all three pages.

The Commissioner for Patents is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR 1.16 and 1.17 to Deposit Account No. 03-1664.

Respectfully submitted,

By:



Mei Hong
Agent for Applicants
Reg. No. 55,276

Date: December 7, 2009

NOVARTIS VACCINES AND DIAGNOSTICS, INC.
Intellectual Property - R338
P. O. Box 8097
Emeryville, CA 94662-8097

Telephone: (510) 923-5413
Facsimile: (510) 655-3542



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/587,032	Stephen F. Hardy	002441.00208/PP019482.007

27476

NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
Emeryville, CA 94662-8097

INTERNATIONAL APPLICATION NO.

PCT/US03/18666

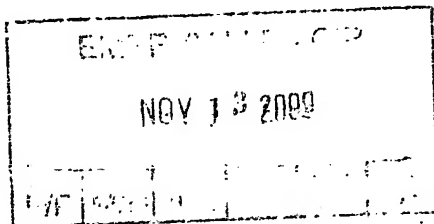
I.A. FILING DATE	PRIORITY DATE
06/13/2003	06/13/2002

CONFIRMATION NO. 9250
371 FORMALITIES LETTER



OC000000038654564

Date Mailed: 11/09/2009



NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 07/24/2006
- Copy of the International Search Report filed on 07/24/2006
- Copy of IPE Report filed on 07/24/2006
- Preliminary Amendments filed on 07/24/2006
- Information Disclosure Statements filed on 07/24/2006
- Biochemical Sequence Diskette filed on 09/16/2009
- Oath or Declaration filed on 09/16/2009
- Biochemical Sequence Listing filed on 07/24/2006
- Request for Immediate Examination filed on 07/24/2006
- U.S. Basic National Fees filed on 07/24/2006
- Priority Documents filed on 07/24/2006

Applicant's response filed 09/16/2009 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 04/16/2009 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - THE OATH SUBMITTED ON SEP 16, 2009 IS DEFECTIVE BECAUSE THE PAGE NUMBERING IS NOT CONSECUTIVE (ie 1/3, 2/3, 3/3). PLEASE SUBMIT A NEWLY EXECUTED DECLARATION.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

SEARCHED 11/10/09
INDEXED 11/10/09
FILED 11/10/09
DUE DATE 12/9/09
PCT 51708115-PCT

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

NINA D BUTLER

Telephone: (703) 756-1446